

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

METROPOLITAN CASUALTY
INSURANCE COMPANY,

Petitioner,

v.

Case No.:2:20-cv-202-FtM-66MRM

SFR SERVICES L.L.C.,

Respondent.

_____ /

**ORDER ADOPTING REPORT AND RECOMMENDATION OF
MAGISTRATE JUDGE, GRANTING RESPONDENT'S MOTION TO
APPOINT APPRAISAL UMPIRE, AND DENYING PETITIONER'S
MOTION TO APPOINT APPRAISAL UMPIRE**

This matter is before the Court on consideration of the Report and Recommendation (Doc. 13), filed July 7, 2020, recommending that: Petitioner Metropolitan Casualty Insurance Company's Motion to Appoint Appraisal Umpire (Doc. 8) be granted; and (2) Respondent SFR Services L.L.C.'s Motion to Appoint Appraisal Umpire (Doc. 10) be denied as moot. A district judge may accept, reject, or modify the magistrate judge's report and recommendation. 28 U.S.C. § 636(b)(1). In the absence of specific objections, a district judge is not required to review the magistrate judge's factual findings de novo, but legal conclusions are

reviewed de novo even in the absence of an objection. *Id.*; *Cooper-Houston v. Southern Ry. Co.*, 37 F.3d 603, 604 (11th Cir. 1994); *Garvey v. Vaughn*, 993 F.2d 776, 779 n.9 (11th Cir. 1993). After an independent examination of the file, the Court accepts the Report and Recommendation. Accordingly, it is now **ORDERED**:

1. The Report and Recommendation (Doc. 13) is hereby **ADOPTED** and the findings incorporated herein.

2. Respondent's Motion to Appoint Appraisal Umpire (Doc. 10) is **GRANTED**, and Petitioner's Motion to Appoint Appraisal Umpire (Doc. 8) is **DENIED** as moot.

3. Anthony A. Proffitt is **APPOINTED** as the neutral appraisal umpire for and during the insurance appraisal process pursuant to the terms of the insurance contract between the parties.

4. The Clerk of Court is directed to **CLOSE THIS CASE**.

ORDERED in Fort Myers, Florida, on July 22nd, 2020.

A handwritten signature in black ink, reading "John L. Badalamenti". The signature is fluid and cursive, with the first name "John" and last name "Badalamenti" clearly legible.

JOHN L. BADALAMENTI
UNITED STATES DISTRICT JUDGE

Copies: All Parties of Record